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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,087	10/29/2001	Rafi Bamdad	Pillow-01	8509

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EXAMINER

BROWN, MICHAEL A

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,087

Applicant(s)

Lafi Barydgal et al

Examiner

Michael Brown

Group Art Unit

3364

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-21 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Drawings

1. The drawings are objected to because reference numbers 33 and 44 are missing from the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Benedick in view of Lagin, along with Gerhard.

Benedick discloses in figures 1-4 a pressure device for applying pressure to the whole of the chest area comprising a casing 10 in the form of a pillow, the casing having opposing lateral side (fig. 1), a back side (the side of opposite 30), a frontal side 30, a contiguous strap (19, 20), attached to the top corner of the back side (fig. 1), a cam buckle (16, 17) and the frontal side and the back side are substantially parallel (fig. 1). However, Benedick does not disclose a membrane

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layer attached to a top attachment portion and a bottom attachment portion of the front side, a gripping handle made of the thickness recited in claims 3-4 or the pillow being approximately 4.5 inches thick. Lakin teaches in figure 1 a medical pillow comprising a membrane layer 13 attached at a top portion (attached at the top of 12) and at a bottom portion (attached at the bottom of 12). Gerhard teaches in figure 5A a medical pillow comprising a casing 6 having hand grips (11A, 11B) on the sides of the casing. The handles are contoured (the curved portion of the circumference of the opening in the handles provide a contour). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the membrane layer as taught by Lakin could be incorporated into the device as disclosed by Benedick in order to allow the user to insert his hand into the membrane and hold the hand over the chest. The hand grip as taught by Gerhard could be incorporated into the device as disclosed by Benedick in order to be able to grasp the casing during use. The hand grip could be at least two or three inches thick and the pillow could be approximately 4.5 inches thick because these dimensions do not provide novelty or criticality.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Blackburn.

Blackburn teaches in figure 1 a surgical pillow comprising a pocket 120. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the pocket as taught by Blackburn could be incorporated into the device as disclosed by Benedick and taught by Lakin and Gerhard in order to be able to store objects in the pocket.

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5. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Lebold.

Lebold teaches in figures 1-3 a pad 20 comprising a heating and cooling apparatus (col 3, lines 1-7). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the heating and cooling apparatuses as taught by Lebold could be incorporated into the device as disclosed by Benedick and taught by Lugin and Gerhard in order to be able to apply heat or coolness to the user's chest. The heating and cooling apparatuses are impregnated into the cushion 20.

6. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn.

Blackburn discloses a method of reducing movement of the sternum and chest incision, substantially as claimed. However, Blackburn does not disclose hand grips on the side. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the side of the casing of the device as disclosed by Blackburn are gripped by the user's hand. Thus, providing hand grips. Blackburn, also discloses the casing being rectangular in shape, which provides a parallel front and back and lateral sides.

7. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn in view of Lebold.

Blackburn discloses in a method of reducing movement of the sternum and chest incision, substantially as claimed. However, Blackburn does not disclose heating and cooling the chest area of the patient. Lebold teaches in figures 1-3 an absorbent pad 20 comprising the method step

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of heating and cooling the user's chest (col. 3, lines 1-7). It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the method steps of heating and cooling the user's chest as taught by Lebold could be incorporated into the method disclosed by Blackburn in order to be able to apply heat to or cool the user's chest.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 20 above, and further in view of Lakin.

Lakin teaches in figure 1 a medical pillow having a sleeve 14 that the hands and forearms are inserted through. It would have been obvious to one having ordinary skill in the art at the time that the invention was made that the sleeve as taught by Lakin could be incorporated into the device as disclosed by Blackburn in order to use the sleeve to hold the hands and forearm over the user's chest.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. No additional prior art was cited during the first office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (703) 308-2682.

M. Brown
September 11, 2003